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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 LEE JAMES BROCK,

8 Plaintiff,

9 v.

10 CHRIS MEQUET, DR. BARBARA
11 BARTZ, LISA RAPP, ED W.
12 CAMPBELL, YAKIMA COUNTY
13 JAIL MEDICAL, OFFICER
14 EDUARDO RODRIGUEZ, and
OFFICER REBECCA JOHNSON,

Defendants.

NO: 1:19-CV-3123-TOR

ORDER DISMISSING COMPLAINT

1915(g)

15 By Order filed August 2, 2019, the Court advised Plaintiff of the deficiencies
16 of his *pro se* civil rights complaint and directed him to amend or voluntarily dismiss
17 within sixty (60) days. ECF No. 11. Specifically, Plaintiff's conclusory assertion
18 that unspecified Defendants denied him proper medical care and repeatedly
19 informed him that there was nothing wrong with him fails to state a plausible claim
20 for relief under 42 U.S.C. § 1983.

ORDER DISMISSING COMPLAINT ~ 1

1 Plaintiff was cautioned that if he failed to amend within 60 days as directed,
2 the Court would dismiss the complaint for failure to state a claim under 28 U.S.C.
3 §§ 1915(e)(2) and 1915A(b)(1). *Id.* at 14. He did not timely amend his complaint
4 or dismiss his complaint.

5 For the reasons set forth in the Court's Order to Amend or Voluntarily Dismiss
6 Complaint, ECF No. 11, the complaint, ECF No. 1, is **DISMISSED** with prejudice
7 for failure to state a claim against identified Defendants upon which relief may be
8 granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

9 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
10 brings three or more civil actions or appeals which are dismissed as frivolous or for
11 failure to state a claim will be precluded from bringing any other civil action or
12 appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious
13 physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**
14 **provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may**
15 **count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may**
16 **adversely affect his ability to file future claims.**

17 Accordingly, IT IS HEREBY ORDERED:

- 18 1. The complaint, ECF No. 1, is **DISMISSED with prejudice** for failure to state
19 a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and
20 1915A(b)(1).


1 2. Plaintiff's *in forma pauperis* status is revoked.

2 3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this
3 Order would not be taken in good faith.

4 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
5 enter judgment, provide copies to Plaintiff at his last known address, and **CLOSE**
6 the file. The Clerk of Court is further directed to forward a copy of this Order to the
7 Office of the Attorney General of Washington, Corrections Division.

8 **DATED** October 25, 2019.




THOMAS O. RICE
Chief United States District Judge